

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES PATTERSON,

Plaintiff,

-against-

WESTCHESTER COUNTY, CORRECT
CARE SOLUTIONS, LLC, NEW YORK
CORRECT CARE SOLUTIONS, P.C.,
SERGANT GARRETT, SERGEANT BELL
AND NURSE PRACTICIONER ASHA
SAMUEL,

Defendants.

USDC SDNY
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DATE FILED: 6-16-14

13 Civ. 0194 (PAC)(AJP)

**ORDER ADOPTING REPORT
& RECOMMENDATION**

HONORABLE PAUL A. CROTTY, United States District Judge:

Pro se Plaintiff James Patterson (“Patterson”) brings this action under 42 U.S.C. § 1983 and the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 *et seq.*, alleging violations of his constitutional rights arising from medical treatment for an ankle injury he suffered while incarcerated at the Westchester County Jail. (Dkt. No. 12: Am. Compl.) On January 22, 2014, Defendants moved to dismiss. Patterson did not submit any opposition papers within the allotted time period.

On April 11, 2014, Magistrate Judge Andrew J. Peck issued a report and recommendation (“R&R”) recommending that Defendant’s motions to dismiss be granted,¹ since Patterson’s allegations failed to (1) satisfy the requirements of a § 1983 deliberate indifference claim; (2) allege a policy or custom which violated his constitutional rights; and (3) establish an ADA claim. The R&R recommended that any remaining state law claims should be dismissed without

¹ For the facts of this case, see *Patterson v. Westchester Cnty.*, No. 13 CIV. 0194 PAC AJP, 2014 WL 1407709 (S.D.N.Y. Apr. 11, 2014).

prejudice under *United Mine Workers v. Gibbs*, 383 U.S. 715, 726 (1966). Patterson did not file any written objections to the R&R, and his time to do so has expired.

A district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where there are no “specific, written objection[s],” the court reviews an R&R for clear error. *Greene v. WCI Holdings Corp.*, 956 F. Supp. 509, 513 (S.D.N.Y. 1997). Parties have fourteen (14) days from the service of a Report and Recommendation to file written objections. 28 U.S.C. § 636(b)(1) (2009); Fed. R. Civ. P. 72(b). Failure to file objections results in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *Ingram v. Herrick*, 475 F. App’x 793, 793 (2d Cir. 2012).

Here, since Patterson did not make any objections to the R&R, the court reviews the R&R for clear error. Finding none, the Court adopts Magistrate Judge Peck’s R&R in its entirety.

CONCLUSION

The Court adopts Magistrate Judge Peck’s R&R in its entirety, and accordingly grants Defendant’s motion to dismiss. The Clerk of Court is directed to enter judgment and close this case. Pursuant to 28 U.S.C. § 1915(a), the Court finds that any appeal from this Order would not be taken in good faith.

Dated: New York, New York
June 16, 2014

SO ORDERED



PAUL A. CROTTY
United States District Judge

Copies Mailed to:
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